

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Joshua James Lindsey, #337571,)	C/A No. 5:12-2722-GRA-KDW
)	
)	
Plaintiff,)	
)	
v.)	Report and Recommendation
)	
)	
Officer Rich,)	
)	
Defendant.)	
)	
)	
)	

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment on February 25, 2013. ECF No. 24. As Plaintiff is proceeding pro se, the court entered an order on February 26, 2013 pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 25. Plaintiff was specifically advised that if he failed to respond adequately, Defendant's motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On April 4, 2013, the court ordered Plaintiff to advise the court by April 22, 2013 whether he wished to continue with the case. ECF No. 29. Plaintiff has filed no response. As such, it appears to the court that Plaintiff does not oppose Defendant's motion and wishes to abandon his action. Based on the foregoing, the undersigned recommends that this action

against Defendant be dismissed with prejudice for failure to prosecute, thereby ending this matter. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

Kaymani D. West
United States Magistrate Judge

April 26, 2013
Florence, South Carolina